

**STATEMENT OF R. DAVIS LAYNE  
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SAFETY AND HEALTH  
BEFORE THE  
COMMITTEE ON GOVERNMENT REFORM  
U.S. HOUSE OF REPRESENTATIVES**

**October 23, 2003**

Mr. Chairman, Members of the Committee:

Thank you for the opportunity to testify today about the Occupational Safety and Health Administration's (OSHA) leadership in protecting workers from Anthrax exposure and our role in preparing the Curseen and Morris Processing and Distribution Center (formerly Brentwood) in Washington, D.C. for its reopening.

OSHA's mission is to assure safe and healthful working conditions for America's working men and women. Protecting workers from biohazards, such as Anthrax, is a critical part of OSHA's role in the Nation's domestic preparedness and emergency response efforts.

Under the Occupational Safety and Health Act (the OSH Act), it is the employer's responsibility to protect the health and safety of its workers. A 1998 amendment to the OSH Act broadened the definition of an employer to include the United States Postal Service (USPS). OSHA's role at postal facilities is one of oversight and ensuring compliance with the Nation's worker safety and health laws.

OSHA has been working alongside the USPS since investigation into the deaths at the facility from inhalation of Anthrax spores began. At the invitation of the USPS, OSHA—along with other Federal agencies and private contractors—joined the USPS at its Joint Command Center shortly after it was established. This Center served as the hub in responding to the Anthrax crisis—gathering information on the extent of the problem and developing plans of action to address the crisis nationwide. The Center was established to provide a unified approach to sampling tests and decontamination for all USPS facilities—including Curseen and Morris—and to coordinate those samples and subsequent response actions with the key stakeholders.

In addition to the Joint Command Center, the USPS established Incident Command Centers for each postal facility that required decontamination. OSHA provided technical support to both the Joint Command Center and the Incident Command Center for the Curseen and Morris Center. Eight members of the Agency’s Health Response Team have been on-site at Curseen and Morris at various times throughout the last two years. The team—including a chemist, an analytical microbiologist, a mechanical engineer with expertise in building ventilation systems, a safety engineer, two chemical engineers and two industrial hygienists—has advised the USPS about the best methods for sampling for Anthrax and decontaminating the facility. The Agency’s team has played a two-fold role: first, it has provided assistance and technical advice to the USPS and its contractors during the decontamination process over the past two years; second, OSHA ensured that

the employers at the site—the USPS and its contractors—provided a workplace free of hazards to their employees.

OSHA’s Health Response Team worked closely with the USPS on sampling protocols and methods and safety and health plans to protect workers prior to, during, and after decontamination of the building. The USPS’s air sampling plan was developed with OSHA’s assistance and information about the most up-to-date methods of sampling for Anthrax.

Before decontamination began at Curseen and Morris, OSHA’s Health Response Team worked with the USPS and its contractors on training procedures for the use of Personal Protective Equipment (PPE), such as respirators. During decontamination, OSHA assured that employers—the USPS and its contractors—were in compliance with all applicable OSHA standards, including Hazardous Waste Operations and Emergency Response, which cover clean-up operations at hazardous locations.

In December 2002, as final plans were made to fumigate the building with Chlorine Dioxide gas, OSHA staff joined the USPS at its Joint Information Center, which was established to enhance communications with all involved groups and individuals about the decontamination work. OSHA staff also made presentations at town hall meetings for the community and for USPS employees. During the presentations, the postal employees were reminded of their right to file complaints about worker safety and health directly with OSHA.

OSHA worked with specialists in the fields of microbiology, engineering, medicine, epidemiology, chemistry, toxicology and environmental health, and members of the postal unions and the community, to review all documents related to the decontamination activities at the site including:

- Public information fact sheets and media releases;
- Surface sampling protocols and air sampling protocols;
- Waste Disposal Plans;
- Final Clearance and reopening determinations; and
- Final reports.

OSHA has also participated in the Environmental Clearance Committee co-chaired by the District of Columbia's Department of Health and the United States Environmental Protection Agency. This Committee, an independent, coordinated group of scientists with expertise in the disciplines relevant to the assessment and clean-up of the facility, serves as an advisor to the USPS and makes recommendations regarding the reoccupation of the building. OSHA served on the Committee until March 2003.

In March 2003, OSHA sent a letter to the Incident Commander at the Curseen and Morris Center, expressing the Agency's concurrence with the conclusion of USPS's safety and health staff—that remediation efforts had successfully eliminated any significant risk of Anthrax disease for occupants of this building. OSHA also concurred with USPS's decision to allow workers to enter the building without respiratory protection for most

activities. These conclusions were based on sampling results and analyses, as well as assessments of safety and health plans, performed by OSHA's certified industrial hygienists.

As postal employees return to Curseen and Morris, OSHA will continue to respond to any safety and health complaints filed by employees, as well as to requests from the USPS and its contractors. The Agency is also prepared to investigate accidents or any other hazardous situations that occur at the facility.

Mr. Chairman, as we participated at Curseen and Morris, we also broadened our outreach and informational activities to help other employers and workers address threats of biological and chemical hazards. OSHA has developed (and continues to refine) sampling methods for detecting Anthrax spores in the air and on large surfaces, such as the floors and walls of buildings. These sampling methods were used to evaluate the effectiveness of the remediation activities at Curseen and Morris, and are posted on the Internet.

OSHA has created a web-based "e-tool" that provides training and information about Anthrax. The tool allows employers, workers, and the general public to get immediate access to information on the dangers of Anthrax, who is at risk of exposure, how companies can prepare for potential Anthrax exposure, and methods for cleaning up a worksite that has been contaminated with Anthrax. The "e-tool" also includes an electronic version of the Agency's published health and safety plan for Anthrax; the plan

has been accessed by thousands of employers since it became available on OSHA's website.

From the first Anthrax exposure incident, OSHA has increased its expertise in dealing with this threat and other incidents of national significance. Several of the Agency's occupational physicians have worked with the Department of the Army to obtain expertise in assessing biological and chemical agents. OSHA has worked on an ongoing basis with the Department of Homeland Security in the development of the National Response Plan to ensure the health and safety of responders and position the Agency to provide technical assistance when needed. In December 2002, OSHA co-sponsored a summit with the Federal Emergency Management Agency that focused on PPE issues for Federal workers involved in emergency response. Additionally, OSHA will soon complete its own National Emergency Management Plan that will provide guidance to ensure national and regional office personnel are ready to address safety and health issues to support workers involved in clean-up operations.

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Since September 11, 2001, we have become aware of new threats to workers' lives from acts of terrorism and use of biotoxins as weapons of mass destruction. Virtually all of the victims of the September 11 and Anthrax attacks have been workers, and OSHA is continually evaluating and making necessary changes to its programs to respond to this

new threat. Postal workers have been on the front-line in this war against terrorism and it is our responsibility to provide all the help we can in protecting their lives.